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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/909,272

07/19/2001

Emil Willi Reppel

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,272

Applicant(s)

REPPPEL, EMIL WILLI

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 August 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7. 6) ☐ Other: ____

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1. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, no antecedent has been established for "the two rails". Also, in claim 2, the last clause is somewhat confusing in that it is not clear *what* is "approximately perpendicular..." It would seem that the intent is that this is a further description of the plane which contains the shaft but the present language would seem to be defining that this is further defining the two rails (although this is not believed intended). Clarification is required. Note that essentially this same ambiguity is present for the last clause in claim 3.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkinson, Jr. (US 3,528,476) or Hawkinson (US 2,965,162).

Hawkinson, Jr. and Hawkinson each disclose an apparatus for use in retreading/recapping operations in which the tire is mounted for translation parallel to its

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mandrel shaft/axis (note esp. col. 3, lines 45-63 and figs. 1-2 of Hawkinson, Jr. and col. 2, lines 9-23 and figs. 1-2 of Hawkinson) and the retreading tools (buffing device) is mounted for translation perpendicular to the translation of the tire (note esp. col. 4, lines 31-34 of Hawkinson, Jr. and col. 2, lines 31-36 of Hawkinson). Symmetrically located guideways/rails are also considered to be clearly taught by both references as required by claims 2-3. Further, the two translation directions describe a single horizontal x-y plane as required by claim 4. Rasping tools as required by claim 6 are clearly taught. Finally, Hawkinson, Jr. (note esp. plural circular blade rings 43 in fig. 5) and Hawkinson (note esp. 79 and 80 in figs. 1 and 4) each are considered to disclose plural circular blades that rotate about an axis perpendicular to the translation direction as required by claim 7.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Hawkinson, Jr. (US 3,528,476) or Hawkinson (US 2,965,162) taken in view of the admitted state of the prior art.

Hawkinson, Jr. (note esp. 43 in fig. 5) and Hawkinson (note esp. 79 and 80 in figs. 1 and 4), as noted above, are considered to suggest blades consistent with claim 7. Even if however it were interpreted that the blades in these references were not "circular blades" within the meaning of claim 7, it would have been obvious for the artisan to utilize any known and conventional rasping/buffing blades for only the expected results, it being noted that applicant admits in the specification that "the rasping tools 25 consist in a conventional manner of a series of circular blades" - this is considered to be an admission that such blades are known and conventional in this art.

Again, thus, even if the claim is considered to define over the rasping blades shown in the references, to utilize a "series of circular blades", as is conventional, would have been obvious and lead to only the expected results.

6. Claims 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkinson, Jr. (US 3,528,476) or Hawkinson (US 2,965,162) taken alone or further in view of the admitted state of the prior art as applied to claims 1-4, 6 and 7 above, and further in view of Andersson et al. (US 6,251,204) and/or Marangoni (US 4,036,677) and/or Schmidt (US 2,009,524).

The primary references only discuss the buffing portion of the retreading operation and thus do not suggest how or where the tread is applied. Andersson et al. (note esp. col. 2, lines 55-67), Marangoni et al. (note esp. col. 1, lines 15-28) and Schmidt (note esp. page 1, col. 1, lines 10-29) provide strong evidence that it is known and desirable in this art to apply/stitch("roll") the new tread on the buffed casing while situated on the same stand used for the buffing, the obvious advantages in terms of the reduced need to transfer the tire among devices as well as the reduced space and improved productivity being discussed and/or certainly readily apparent. To provide additional means to apply and roll/stitch the new tread to the buffed casing while located on the same mandrel used to buff would thus have been obvious and lead to only the expected results. Likewise, mounting the additional tools to provide a translating ability in the same manner as the buffing device mount would have been obvious, it being considered that the ordinary artisan would have readily appreciated the desire of allowing or providing for movement toward and away from the casing surface to enable

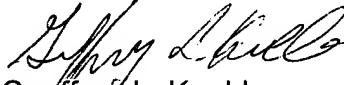
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among other things, the ability to operate on different sized casings using the same device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
January 10, 2003